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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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DAVIS-LEHRMITAGE LLC,

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Plaintiff,

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v.

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DAVIS ESTATES LLC,

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Defendant.

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Case No.[16-cv-07123-JD](#)

**ORDER CONDITIONALLY  
DISMISSING CASE**

The Court is advised that the parties have settled. Dkt. No. 31. Consequently, the Court vacates all pretrial deadlines and dismisses this case without prejudice. If any party certifies to the Court by **January 3, 2018** that the agreed consideration for the settlement of this action has not been delivered, this order will be vacated and the case will be set for a case management conference. If no certification is filed, the dismissal will be deemed to be **with prejudice** after January 3, 2018.

**The parties are directed not to ask the Court for a “dismissal with prejudice” at any time after this order, or to ask for an order confirming dismissal under FRCP 41(a)(1). No Court order is necessary for dismissal under that rule.**

**IT IS SO ORDERED.**

Dated: October 2, 2017

  
JAMES DONATO  
United States District Judge

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